



**CITY OF NORTH OAKS**

**Regular Natural Resources Commission Meeting  
Monday, November 14, 2022  
6 PM, Community Meeting Room, 100 Village Center Drive  
MEETING AGENDA**

**Remote Access** - *Natural Resource Commission members will participate by telephone or other electronic means pursuant to Minn. Stat. §13D.021. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 845 2664 4120 or by joining the meeting via the following link: <https://us02web.zoom.us/j/84526644120>. Due to the existing COVID-19 Health Pandemic, no more than five (5) members of the public may be in Council Chambers (Community Room, 100 Village Center Drive, MN) during the meeting. Once room capacity is met, anyone wishing to attend the meeting above the five (5) members of the public who may be present in the room during the meeting will be required to monitor the meeting remotely.*

**1. Call to Order**

**2. Roll Call**

**3. Approval of Agenda**

**4. Citizen Comments** - *Members of the public are invited to make comments to the Commission during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Commission on items raised during the public comment period unless the item appears as an agenda item for action.*

**5. Approval of Previous Month's Minutes**

5a. Approval of August 8, 2022 Natural Resource Commission Minutes  
[8.8.22 NRC Meeting Minutes.pdf](#)

**6. Business Action Items**

6a. Discussion on Emerald Ash Borer

6b. Discussion on Climate Action Resolution  
[Draft Proposal for NRC consideration .pdf](#)

6c. Discussion on White Bear Lake Township water

[Article City of North Oaks and White Bear Township Working Cooperatively to Address Impacts of WBL Water Matter rev.pdf](#)

**7. Commissioner / Staff Reports** - - *Tick Task Force Report*

- *Community Outreach*
- *NOHOA/ NEST Report*
- *City Forester Report*
- *VLAWMO Tech Report*
- *City Report*

**8. Next Meeting: TBD**

**9. Adjourn**

**North Oaks Natural Resources Commission  
NRC Meeting Minutes  
Virtual Meeting via Teleconference or Electronic Means Only  
August 8, 2022 at 6 p.m.**

**1. CALL TO ORDER**

Chair Dunn called the meeting of August 8, 2022 to order at 6:00 p.m.

**2. ROLL CALL**

NRC members participated by **telephone or other electronic means** pursuant to Minn. Stat. § 13D.021.

Present: Chair Shannon Dunn, Commissioners Andrew Hawkins (arrived at 6:56 p.m.), Penny Kianian, Bob Larson, Damien Lepoutre, Addison Motta, City Council Liaison Tom Watson, City Administrator Kevin Kress

Absent: Commissioners Paul Ellis, David White

Others: City Forester Mark Rehder

A quorum was declared present.

**3. APPROVAL OF AGENDA**

**MOTION by Larson, seconded by Lepoutre, to approve the agenda. MOTION carried unanimously by roll call vote.**

**4. CITIZEN COMMENTS**

None.

**5. APPROVAL OF PREVIOUS MONTH'S MINUTES**

**MOTION by Larson, seconded by Kianian, to approve the May 9, 2022 meeting minutes.**

**MOTION carried unanimously by roll call vote.**

**6. BUSINESS ACTION ITEMS**

**6a. Discussion on Farm Fest Booth Ideas**

- Farm Fest is on Sunday, September 11 from 3-7 p.m. Chair Dunn led a discussion on ideas for resources, information, promotional items, etc. that the NRC could have at their booth.
- Mark Rehder said he would be happy to be at the event to answer forestry questions.
- Reminder: no wi-fi access for website access.
- Ideas for the booth included:

- Information on native species that people should/could plant
- Information on what the NRC is, what it does and how it is different than NOHOA
- Education on wetlands, proper care and maintenance of lawns around wetlands
- Lawn to prairie education ideas, lists of companies that do this work
- Deer resistant plant ideas
- Handouts from the University on non-native invasive plants, what can be planted in their place once removed
- Lists of licensed arborists
- Invite Kate Winsor to share information on the climate action declaration
- Activities/information that would be of interest to kids
- Dark Sky initiative information
- Information on White Bear Township water issues – be ready to answer questions, clear up misinformation, water conservation resources
- Recruitment of new members
- Deer and bear management
- Chair Dunn will send out an email closer to the date to see who will be in attendance and coordinate staffing at the booth.

#### **6b. Discussion on Dark Sky Perseid Meteor Shower**

- Chair Dunn asked the group if there is any other information sharing the Commission would like to do in advance of the Perseid Meteor Shower, or any other initiatives the group would like to pursue related to the Dark Sky Movement.
- Commissioner Lepoutre suggested adding something about Dark Sky to the climate action declaration that can be specific to North Oaks, as well as reminding people of rules in North Oaks on lighting. Perhaps another article after the Perseid Meteor shower making sure people keep this topic in mind.
- Chair Dunn suggested this topic lends itself well to the winter months since it is naturally darker during that time, and since other topic areas such as ticks, plants, etc. are not as relevant during those months.
- Commissioner Motta noted that International Dark Sky week is at the end of April. The Commission could plan to share information on the topic periodically leading up to it and then coordinate an event during that week.
- Commissioners Lepoutre and Motta said they will provide Chair Dunn with some websites that can be featured on this topic for Farm Fest.

#### **6c. Discussion on White Bear Lake Water Conservation**

- Chair Dunn gave some background on this topic, explaining that a number of years ago, some residents in White Bear Lake filed a lawsuit related to the low water level in White Bear Lake. The lawsuit has been ongoing for a while and has pulled in other neighboring municipalities. Part of the lawsuit has involved drawing a 5-mile radius around White Bear Lake of areas that could be impacting the water level. A little bit of North Oaks falls in this area, and the City of North Oaks has a Joint Powers Agreement in which parts of the city receive water from White Bear Township. White Bear Township has reached out to the City of North Oaks to renew the agreement, however there is some uncertainty about how the lawsuit will affect the amount of water that they will be able to provide going forward. Associated with that are discussions about water conservation

within North Oaks, and how the city can get ahead of any future issues with White Bear Township.

- Councilor Watson added that the JPA for water and sewer was initiated around the same time that the East Oaks Planned Unit Development was adopted in 1999. The relationship is one where there is a master JPA that describes the details of that arrangement, and with each subdivision that is developed in North Oaks there is an addendum to the JPA that goes along with it. The critical item at the moment is that most of this area of North Oaks gets its water from the Prairie Duchene aquifer. This is somewhere between 200-400 feet down. This aquifer is not regenerating as fast as human consumption is using water. It is unclear how much water per capita the community is using. Several years ago, water consumption in White Bear Township (which included the users in North Oaks) was about 110 gallons per person per day. There was some information from the DNR during the trial that they wanted to get that number down to 55 gallons. White Bear Township has taken some measures to conserve water, and last year their water usage went down to 81 gallons per person per day. They are prepared to get to 75, and would be happy to stabilize at that level. The City got notice that on May 2, 2024, White Bear Township will terminate the Joint Powers Agreement. They don't want to walk away from North Oaks, but they are getting a lot of pushback from residents of White Bear Township about continuing to support North Oaks when they are simultaneously stressing water conservation. However, the issue isn't North Oaks specifically, but the overall consumption of water from the aquifer by a number of municipalities that draw from it. North Oaks is trying to coordinate with White Bear Township on water conservation measures so it can partner with them on this issue. One of the things they have asked North Oaks to do is to prepare a letter to the court supporting them and their position on this issue. North Oaks is fortunate that our City Attorney has background in this water case because he also represents the City of Oakdale and the City of Lake Elmo. Councilor Watson explained that individuals on wells are not immune from this matter because it applies to anyone taking water out of the ground from those aquifers.
- Commissioner Lepoutre said that when people take water from the Prairie Duchene water table, it is much deeper than individual wells. Therefore, would the lawsuit only apply to those taking water from the water table? Councilor Watson said there is some confusion on this issue, but what he has heard to date is that any restrictions would be applied to all households. The amount of water to be limited either by the court case or the DNR probably won't differentiate. It is a good question, but they don't have a solid answer to it yet. They hope being a part of the conversation will help clarify things.
- Much of the water use is likely going toward irrigation. There are also golf courses and areas with a lot of individual residences, such as Waverly Gardens.
- Commissioner Lepoutre noted that the difference between ground water and surface water is that the renewal timeline on ground water is very long, whereas surface water renewal is much shorter.
- Councilor Watson added that there could be some legislation outlining things that could/should be done to help in this area.
- Commissioner Hawkins stressed the importance of getting out in front of this from an educational perspective. To that end, he started writing an article for the September issue of the North Oaks News. He asked Dunn, Motta and Kianian to review it once he has a draft.

- Councilor Watson added that he would like to see North Oaks put together a small outline of a conservation program with incentives that the City could adopt to get ahead of the issue. Chair Dunn said there is grant money out there that could be pursued for projects such as this.

## **7. COMMISSIONER / STAFF REPORTS**

### **7a. Tick Task Force Reports**

- Commissioner Hawkins shared that they are up to 49 respondents to the Tick Task Force survey. This has doubled the number of responses from previous years. The three most populous zones are zone 4, 10 and 8.
- They have not had a meeting since May. Hawkins wrote an article on Tick Awareness for the North Oaks News. The goal this summer has been to maintain the status quo and promote the Tick Task Force Survey.

### **7b. Community Outreach/Education**

- Commissioner Motta and Commissioner Kianian have been trading off doing articles for the North Oaks News. They are working on one for leaf recycling for September. They are open to other topic ideas as well.

### **7c. NOHOA / NEST**

- Commissioner Hawkins shared that NEST has been working on recruiting new members at recent NOHOA events. There is a group that has been working on monitoring and maintaining buckthorn management at Mary Hill Park. They are planning to have an occasional meeting in the evening to try to engage new and potential members who can't meet during the day.

### **7d. City Forester Report**

- City Forester Mark Rehder said that there have been a lot of trees drying out due to heat and drought. He has also noticed that there seem to be a lot of new residents and he has been trying to do more education and outreach on Oak Wilt to these individuals. He is working on a presentation on Emerald Ash Borer for the next NRC meeting.

### **7e. VLAWMO Tech Report**

- Councilor Watson said there has not been a VLAWMO meeting lately, but they will meet again next month. Chair Hawkins added that on Monday, August 29<sup>th</sup> at 6:30 p.m. NOHOA and VLAWMO are co-sponsoring a webinar to talk about the main entrance project. VLAWMO provided a grant for the project. The impetus is to address erosion issues. Information can be found on the NOHOA website.

### **7f. City Report**

- Chair Dunn asked for an update on the climate action resolution. City Administrator Kress said Councilors Dujmovic and Shah provided some feedback, but the City Council had not discussed it for a while. He will send over the feedback from Dujmovic and Shah to Chair Dunn. Commissioner Lepoutre said he had also shared some comments earlier in the summer. Chair Dunn said she will incorporate all of this feedback into the document and share it back out with the group.

- Chair Dunn shared that her term expires at the end of November and she will not be returning due to an increase in her work travel. That means there will be an opening for a Commissioner as well as the Chair position.

**8. NEXT REGULAR MEETING:**

Monday, September 12, 2022 at 6 p.m.

**MEETING ADJOURNED:**

**MOTION by Lepoutre, seconded by Hawkins, to adjourn the meeting at 7:31 p.m.**

**MOTION carried unanimously by roll call.**

\_\_\_\_\_  
Kevin Kress, City Administrator

\_\_\_\_\_  
Chair, Shannon Dunn

Date approved: \_\_\_\_\_

CITY OF NORTH OAKS RAMSEY COUNTY, MINNESOTA RESOLUTION NO. xxxx  
A RESOLUTION FOR COLLABORATIVE ACTION TO PROTECT OUR UNIQUE  
ENVIRONMENT IN NORTH OAKS, MINNESOTA

**WHEREAS**, the city of North Oaks was first envisioned as a model for sustainable agriculture and land-use; and

**WHEREAS**, North Oaks has a long history of pioneering environmental best practices, advancing sustainability, and emphasizing actions over words; and

**WHEREAS**, North Oaks rejects divisive, labeling behavior, but rather welcomes alternative perspectives in commitment to seeking practical, common sense, innovative, high impact actions that we can, as volunteers in our community, take to build a better future for next generations; and

**WHEREAS**, North Oaks is committed to continuing its legacy as a low human density, low environmental impact community, pragmatically maximizing preservation of our natural resources; and

**WHEREAS**, North Oaks is committed to preserving an environment friendly to Animals, Forest, Flora, Fauna, Lakes and Wetlands which were here before us; and

**WHEREAS**, a transition to a cleaner energy economy, if not carefully planned, could have a disruptive impact on the livelihoods of many in our community while a well-planned transition may provide expanded job opportunities;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF NORTH OAKS, THAT THE CITY:**

1. Commits to preserving and improving our city with a wholistic, action-based plan that represents an inclusive, all-of-community effort to support and sustain North Oaks for generations to come; and
2. Will continue with ongoing efforts and projects that address environmental preservation and improvement, such as the City's recycling program, shoreline restoration, preserving heritage and shade trees, and more; and
3. Will implement a range of innovative projects, programs, and public awareness campaigns for residents and commercial businesses throughout 2022 and beyond, including around solar energy, energy efficiency, sustainability, natural resources, and more; and
4. Will develop a, unique to the City of North Oaks, Climate Action Plan; and
5. Will collaborate with surrounding cities and local partners to identify larger, regional sustainability projects.

Adopted by the City Council of the City of North Oaks this xx th day of XYZ, 2022.

By: \_\_\_\_\_  
Kara Ries

Its: Mayor

Attested: By: \_\_\_\_\_

Kevin Kress

Its: City Administrator

## City of North Oaks and White Bear Township Working Cooperatively to Address Impacts of White Bear Lake Water Matter

By Tom Watson, North Oaks Councilmember and former Mayor (2001-2009)

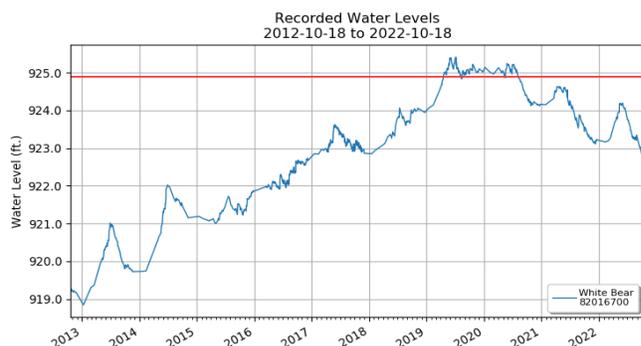
In 2012, two White Bear Lake area associations concerned with low lake water levels - the White Bear Lake Restoration Association and the White Bear Lake Homeowners Association - sued the Minnesota Department of Natural Resources (DNR) alleging the DNR failed to consider the impact of DNR water appropriation permits on the low lake water levels. The two non-profit groups lawsuit blamed the DNR are allowing permits for large quantities of groundwater and ordered the DNR “. . . find alternate sources of water for cities, enforce conservation measures, and divert water from the Mississippi River to restore the lake and the aquifer.”

In her 2017 ruling, Ramsey County District Judge Margaret Marrinan ordered the DNR to review all existing well permits within five miles of the lake, stop issuing new permits, ban lawn watering if White Bear Lake falls below 923.5 feet above sea level (ASL), and find alternate sources of municipal water. While the lake has more normal water levels in the recent few years then, the DNR completed its 2018 study of the matter and concluded that groundwater appropriation permits have had a minimal impact on the lake levels. The DNR reported in their study that lake level fluctuation is happening not just from groundwater pumping, but also “. . . other factors, like rainfall, evaporation and other weather phenomenon . . .”.

As fully addressed in a joint powers agreement executed in 1999, White Bear Township (WBT) agreed to sell water to the City of North Oaks (City) for the eastern portion of North Oaks. This decision between the two local governments following the City of North Oaks approval of the East Oaks Development Agreement in February 1999. As a result of the uncertainty with this White Bear Lake water case and the directions forthcoming from the courts or DNR, the WBT Board in May 2022 served notice that the present joint powers agreement would be terminated in May 2024 unless the White Bear Lake case issues are resolved.

So where do things sit at this time? Representatives of the two local governments have been meeting to address their next actions particularly items identified in the court case. Both WBT and the City are within the five (5) mile circumference of White Bear Lake and as a result the Judge’s 2017 ruling applies to both local governments. Here are some items being discussed:

- Reducing the quantity of groundwater being used by the thirteen (13) area public water suppliers (that includes WBT) as the Judge’s 2017 ruling is a major factor in the need for the DNR imposed protective elevation of 922.0 feet ASL. On October 8, 2022, the lake level was measured at 922.74 feet ASL.



- Considering City options knowing that the City of North Oaks does not have its own public water supply which, if we did, would not change the “per capita” plans and goals being considered as a result of the White Bear Lake lawsuit.
- Requiring the DNR to amend existing groundwater permits within a five-mile radius of White Bear Lake with the following stipulations:
  - Require a residential irrigation ban when the water level of White Bear Lake drops below 923.5 feet ASL. The ban remains in effect until the water level reaches 924 feet ASL.
  - Require all permittees to develop a per capita water use plan to reduce residential per capita water use to 75 gallons per day and total per capita water use to 90 gallons per day.
    - At present time, WBT users including North Oaks resident users of WBT water are using water at the rate of 75 gallons per capita per day, which is a significant improvement from 100 gallons per capita per day; and with a goal of 70 gallons per capita per day, and
    - The DNR has offered that their hydrologic analysis of the White Bear Lake situation suggests a 55 gallon per capita goal.
  - Require public water suppliers to develop a contingency plan to shift their source of water from groundwater to surface water.
  - Require all permittees to report to the DNR annually on collaborative efforts with other north and east metro communities to develop per capita water use plans.
- Initiating a collaborative approach between the City and WBT for implementing water conservation measures are being discussed, including and not limited to the City support of the following:
  - Complete provisions for an amended or replacement joint powers agreement focused in addressing the relevant items noted above from Judge Marrinan’s 2017 order;
  - Adopt the WBT “Water Efficiency Rebate Program” and seek support from the Metropolitan Council to extend their grant efficiency program for improving municipal water use;
  - Work with and “join” WBT to implement its conservation improvement measures, its rebate program(s), and continue to be a collaborative WBT partner; and

- Assist WBT to develop and maintain water supply plans with measurable water conservation goals and compliance with the conservation goals.
- Working with the Saint Paul Regional Water Service (SPRWS) to explore options available as a resource for a water.

Managing groundwater supplies is a major challenge for government water regulatory agencies and has been brought to our attention in recent years. That is the essence of the White Bear Lake case. Users are appropriating by pumping more water from aquifers than the aquifers can renew themselves. Conservation measures is one solution for us to seriously consider to address the imbalance of pumping and renewing the groundwater. That is our challenge too.

The City of North Oaks and White Bear Township have been collaborators and allies in a number of important commitments including members of the Vadnais Lake Area Water Management Organization (VLAWMO), the law enforcement agreement with the Ramsey County Sheriff's Office, and the water utility Joint Powers Agreement. There are a number of rumors and concerns raised about residents of North Oaks not having access to drinking water in the future. That simply is not true. We will continue to work collaboratively with the Town Board and administration of White Bear Township as we always have and especially on these water matters.